

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-32548 - APPLICANT: P'S AUTO SALES - OWNER: BEARD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 1, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (3-2/vq/gt vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Motor Vehicle Sales (Used) use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-32549) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Motor Vehicle Sales (Used) with a Waiver to allow a 23,900 square-foot lot where 25,000 square feet is the minimum required on 0.55 acres located at 3920 West Sahara Avenue. The applicant has also submitted applications for a General Plan Amendment (GPA-32167) to change the General Plan designation from SC (Service Commercial) to GC (General Commercial), a Rezoning (ZON-32168) from C-1 (Limited Commercial) zone to C-2 (General Commercial) zone and a Major Amendment to an approved Site Development Plan Review (SDR-32549) for a proposed Motor Vehicle Sales (Used) Establishment. The isolation of this parcel from others zoned and planned for General Commercial uses, isolation from other Motor Vehicle Sales (Used) establishments, and the Waiver requested indicate that this site is not an appropriate location for the proposed use; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
c. 1965	The existing structure at 3920 West Sahara Avenue was constructed.
11/15/95	The City Council approved a Variance (V-0136-95) to allow a 14-foot by 48-foot Off-premise Advertising (Billboard) Sign where such use is not permitted in a C-C (Neighborhood Commercial Center) zone. The Board of Zoning Adjustment recommended denial of this request.
05/27/97	The City Council approved a Rezoning (Z-0029-97) from C-C (Neighborhood Commercial Center) to C-1 (Limited Commercial) at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
01/17/01	The City Council approved a Required Five-Year Review [V-0136-95(1)] to allow a 14-foot by 48-foot Off-premise Advertising (Billboard) Sign where such use is not permitted in a CC (Neighborhood Commercial Center) zone. The Board of Zoning Adjustment made no recommendation due to a conflict of interest, staff recommended approval of this request.
07/17/02	The City Council approved a Special Use Permit (U-0053-02) to allow a Minor Automotive Repair Facility located at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
12/05/02	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-1167) for the conversion of an existing Retail building for use as a Minor Automotive Repair Facility on 0.55 acres located at 3920 West Sahara Avenue.

05/12/04	A Code Enforcement complaint (#14751) was issued against 3920 West Sahara Avenue for signage violations. The case was resolved 10/26/04.
09/13/04	A Code Enforcement complaint (#21525) was issued against 3920 West Sahara Avenue for a vehicle for sale on the subject property. The case was resolved 09/13/04.
04/19/06	The City Council approved a Required Two-Year Review (RQR-11432) of an approved Variance (V-0136-95) which allowed a 40-foot tall, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign where such use was not permitted at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
12/17/08	A Code Enforcement complaint (#72824) was issued against 3920 West Sahara Avenue for graffiti, signage, weeds, and landscape violations. The case is still open pending resolution.
02/04-09	The City Council will consider a request for a Required Review of an approved Variance (V-0136-95) for a 40-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) where such use was not permitted at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
01/22/09	The Planning Commission recommended denial of companion items GPA-32167, ZON-32168 and SDR-32549 concurrently with this application. The Planning Commission voted 3-2/vq/gt to recommend DENIAL (PC Agenda Item #25/dc).
<i>Related Building Permits/Business Licenses</i>	
12/21/95	A building permit (#95885147) was issued for the installation of a 14-foot x 48-foot Off Premise Advertising (Billboard) Sign at 3920 West Sahara Avenue. The permit received final approval on 02/20/96.
01/16/03	A building permit (#03000927) was issued for the installation of a sign (Tag #06611) at 3920 West Sahara Avenue. The permit received final approval on 01/27/03.
01/23/03	A Non-Work Certificate of Occupancy (#03000658) was issued at 3920 West Sahara Avenue.
03/20/03	A business license (#G02-00652) was issued for minor automotive/brake repair at 3920 West Sahara Avenue. The business license was marked out on 12/11/08.
<i>Pre-Application Meeting</i>	
11/14/08	A pre-application meeting was held with the applicant to discuss the submittal requirements for a General Plan Amendment, Rezoning, Special Use Permit and a Site Development Plan Review to allow a proposed Motor Vehicle Sales, Used business were addressed.

<i>Neighborhood Meeting</i>	
12/10/08	<p>A neighborhood meeting was held at the Palace Station Hotel and Casino, 2nd floor Training Room, 2411 West Sahara Avenue, Las Vegas, Nevada 89102. There was one representative of the applicant, one member of Planning and Development Staff, the Ward 1 Councilwoman and Liaison, and six members of the general public in attendance.</p> <p>The applicant explained the proposed change in the use of the property, and the associated requirement for a General Plan Amendment and Rezoning.</p> <p>Questions and comments from the public were as follows:</p> <ul style="list-style-type: none">• Concerns were raised about patrons test driving vehicles in the residential neighborhood to the north of the subject site. The applicant responded that they were amenable to restrictions on test drives and would also support right-turn restrictions from the property onto Las Verdes Street in order prevent commercial traffic from entering the residential neighborhood.• Concerns were raised about vehicular traffic and the fact that the property is along a route children use to walk to school, and that there is also a day care center north of the subject property. The Ward 1 Liaison noted that Las Verdes Street has been selected for pedestrian improvements under the "Safe Routes to School" program.• A question was raised regarding whether there would be limits on the number of cars on display. It was suggested that a restriction of approximately 10-12 cars as a condition of approval might be appropriate.• A resident asked if there would be adequate parking for patrons on site; the applicant responded that the code requires adequate parking for customers in addition to the space used for vehicle display.• A question was asked as to the age of the vehicles that would be sold; a concern was noted over the aesthetics of having numerous older vehicles stored on the property. The applicant stated that she didn't know the average age of the vehicles, but stated that the zoning code did not allow the storage of inoperative or "junked" vehicles under the proposed use category.• A resident asked if the existing buildings were going to be demolished for the new business; it was explained that the existing buildings would remain in place.• A question was raised as to whether repairs would be done on site; the applicant explained that minor repairs would be done in order to prepare the vehicles for sale, but that this was not to be an automotive repair facility. <p>The general consensus among the residents was that the use would not be obtrusive as long as restrictions were put in place to prevent test drives in the residential neighborhood, and that it would be better to have the site occupied rather than sitting vacant.</p>

Field Check	
12/04/08	A field check was performed by staff at the subject property. The site was noted as a vacant commercial building with weeds and debris on site. Some faded parking lot striping was noted, the building contained a non-permitted temporary sign (banner) and a dead tree was observed in the western landscape buffer. Additionally the site was noted to be in violation of Conditions #1 and #2 of Site Development Plan Review (SDR-1167), which required the rooftop mechanical equipment to be screened and a trash enclosure to be built on site.

Details of Application Request	
Site Area	
Gross Acres	0.55

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)
East	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)
West	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 Feet)	X		Y*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay Map within the 200-foot height limitation contour. The existing building on the subject property does not extend beyond this limitation.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Motor Vehicle Sales (Used)	1,800 SF	1 space / 500 SF of enclosed gross floor area	3	1	16	1	Y
TOTAL			4		17		Y

Waivers		
Request	Requirement	Staff Recommendation
To allow a 23,900 square-foot parcel	The minimum site area designated for this use shall be 25,000 square feet	Denial

ANALYSIS

This is a request for a Special Use Permit for a proposed Motor Vehicle Sales (Used) establishment with a Waiver to allow a 23,900 square-foot parcel size where 25,000 square feet is the minimum required at 3920 West Sahara Avenue. Concurrently, the applicant is requesting a Major Amendment to an approved Site Development Plan Review (SDR-1167) to convert an existing commercial building into a Motor Vehicle Sales (Used) establishment. A total of 17 parking spaces will be provided on site where four are required, including one handicapped van-accessible space. This allows the applicant to utilize the remaining 13 parking spaces for the parking and storage of vehicles that are on display or for sale.

The proposed use requires a Special Use Permit within the C-2 (General Commercial) zoning district. The applicant meets all of the Minimum Special Use Permit Requirements, with the exception of the request for a Waiver to allow a 23,900 square-foot parcel where 25,000 square feet is the minimum required. Staff can not support this request as the request for this Waiver is an indication that the subject parcel is not physically suitable for the proposed use. Additionally, this property will be the only Motor Vehicle Sales (Used) establishment in the surrounding area if this application is approved and will precipitate the intensification of uses within the surrounding area.

- **Zoning**

The subject site is located in the Southeast Sector of the 2020 Master Plan and has a current General Plan designation of SC (Service Commercial). A General Plan Amendment (GPA-32167) to change the designation to GC (General Commercial) has been submitted along with the Rezoning request. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

A companion application to Rezone (ZON-32168) the site from the C-1 (Limited Commercial) district to the C-2 (General Commercial) district has also been submitted by the applicant. The proposed C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

With the approval of the proposed Rezoning (ZON-32168) to the C-2 (General Commercial) zoning district and the General Plan Amendment (GPA-32167) to the GC (General Commercial) land use designation, the proposed Motor Vehicle Sales (Used) establishment will be permissible with the approval this Special Use Permit.

- **Use**

A Motor Vehicle Sales (Used) establishment is defined by Title 19.04 as a facility or area used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters. This use includes service bays and auto body shops which are incidental and accessory to the sales use.

- **Minimum Special Use Permit Requirements**

1. The minimum site area designated for this used shall be 25,000 square feet.
2. The installation and use of an outside public address or bell system is prohibited.

3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
6. Accessory automobile rental is permitted.

The proposed Motor Vehicle Sales (Used) use does not meet all of the Minimum Special Use Permit Requirements. Specifically, condition number one can not be met as the subject property parcel size is 23,900 square feet. Staff cannot support this request as the Waiver is an indication that the subject parcel is not physically suitable for the proposed use. Additionally, staff notes that the subject property contains service bay openings which face the public rights-of-way of both Sahara Avenue and Las Verdes Street; however, this condition was approved by Special Use Permit (U-0053-02), the use has not been discontinued for more than one year and therefore does not need to be Waived as part of this review.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use may be permitted by this Special Use Permit only in conjunction with the approval of a proposed General Plan Amendment (GPA-32167) to the GC (General Commercial) land use designation, and a Rezoning (ZON-32168) to the C-2 (General Commercial) zoning district. These approvals would allow land uses, including the proposed use, that are not compatible with the less intense uses allowed by the surrounding SC (Service Commercial) land use designations and C-1 (Limited Commercial) zoning districts.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type and intensity of land use proposed as the subject site fails to meet condition number one for a Motor Vehicle Sales (Used) establishment. The minimum parcel size required for the proposed use is 25,000 square feet whereas the subject parcel is only 23,900 square feet.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Access to the site is provided by Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Las Verdes Street, a 51-foot Local Street, as designated by the Master Plan of Streets and Highways provides secondary access to the subject site. Although Rezoning the subject property to a C-2 (General Commercial) zoning district will intensify the land use and associated vehicular traffic, the existing street facilities are adequate in size to meet the requirements of the proposed zoning district.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

With the approval of the General Plan Amendment (GPA-32167) to the GC (General Commercial) land use designation, the proposed Motor Vehicle Sales (Used) establishment will be consistent with the General Plan with the approval of this Special Use Permit (SUP-32548).

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Motor Vehicle Sales (Used) use does not meet all of the Minimum Special Use Permit Requirements as the applicant has requested a Waiver to allow a 23,900 square-foot parcel where 25,000 square feet is the minimum required. Staff can not support this request as the Waiver is an indication that the subject parcel is not physically suitable for the proposed use.

PLANNING COMMISSION ACTION

The Planning Commission considered the following amended conditions:

No more than 17 vehicles for sale at any one time.
No test driving on residential streets
Hours of operation will be 6:00 a.m. to 6:00 p.m.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 301 by City Clerk

APPROVALS 0

PROTESTS 0